



OFFICE OF THE POLICE COMMISSIONER

ONE POLICE PLAZA • ROOM 1400

CHAN

June 27, 2012

Memorandum for: Deputy Commissioner, Trials

Re: **Detective Damien Bradshaw**
Tax Registry No. 914065
Narcotics Borough Manhattan North
Disciplinary Case Nos. 86581/10 & 2010-2175

The above named member of the service appeared before Assistant Deputy Commissioner Claudia Daniels-DePeyster on November 9, 2011 and was charged with the following:

DISCIPLINARY CASE NO. 86581/10

1. Said Detective Damien Bradshaw, while assigned to Manhattan North Narcotics Borough, on or about January 14, 2010, while on-duty, at a location in New York County, wrongfully engaged in conduct prejudicial to the good order, efficiency or discipline of the Department when he submitted a request for overtime that he did not earn, to wit: said Detective wrongfully indicated on a request for overtime report that he had performed official Department duties when, in fact, he had improperly conducted personal business on said date.

P.G. 203-10, Page 1, Paragraph 5

**PUBLIC CONTACT – PROHIBITED
CONDUCT**

DISCIPLINARY CASE NO. 2010-2175

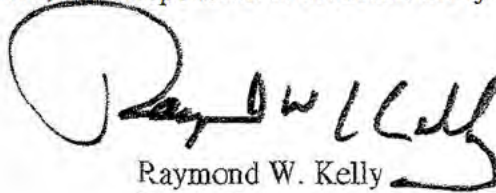
1. Said Detective Damien Bradshaw, while assigned to Narcotics Borough Manhattan North, while on-duty, on or about March 4, 2010, wrongfully engaged in conduct prejudicial to the good order, efficiency or discipline of the Department when he used his position as a member of the Department by calling Mr. Rahul Manchanda and telling him to cease calling Person A, despite the fact that Person A had not filed a complaint and an investigation had not been conducted.

P.G. 203-10, Page 1, Paragraph 5

**PUBLIC CONTACT – PROHIBITED
CONDUCT**

In a Memorandum dated May 3, 2012, Assistant Deputy Commissioner Claudia Daniels-DePeyster found the Respondent Guilty of Specification No. 1 in Disciplinary Case No. 86581/10 and Guilty of Specification No. 1 in Disciplinary Case No. 2010 2175. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

I have considered the totality of issues and circumstances in this matter and deem that a greater penalty is warranted. Therefore, the Respondent is to forfeit thirty (30) vacation days, as a disciplinary penalty.

A handwritten signature in black ink, appearing to read "Raymond W. Kelly". The signature is stylized with a large, circular initial "R" and a long, sweeping horizontal stroke.

Raymond W. Kelly
Police Commissioner



POLICE DEPARTMENT

May 3, 2012

MEMORANDUM FOR: Police Commissioner

Re: Detective Damien Bradshaw
Tax Registry No. 914065
Narcotics Borough Manhattan North
Disciplinary Case Nos. 86581/10 & 2010-2175

The above named member of the Department appeared before me on November 9 and December 14, 2011, charged with the following:

Disciplinary Case No. 86581/10

1. Said Detective Damien Bradshaw, while assigned to Manhattan North Narcotics Borough, on or about January 14, 2010, while on-duty, at a location in New York County, wrongfully engaged in conduct prejudicial to the good order, efficiency or discipline of the Department when he submitted a request for overtime that he did not earn, to wit: said Detective wrongfully indicated on a request for overtime report that he had performed official Department duties when, in fact, he had improperly conducted personal business on said date.

P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT PROHIBITED
CONDUCT

Disciplinary Case No. 2010 2175

1. Said Detective Damien Bradshaw, while assigned to Narcotics Borough Manhattan North, while on-duty, on or about March 4, 2010, wrongfully engaged in conduct prejudicial to the good order, efficiency or discipline of the Department when he used his position as a member of the Department by calling Mr. Rahul Manchanda and telling him to cease calling Person A¹, despite the fact that Person A had not filed a complaint and an investigation had not been conducted.

P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT/PROHIBITED
CONDUCT

¹ As written in charges.

The Department was represented by Jessica Brenes, Esq. and Penny Bluford-Garrett, Esq., Department Advocate's Office. Respondent was represented by Peter Brill, Esq.

Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Disciplinary Case No. 86581/10

Respondent is found Guilty.

Disciplinary Case No. 2010-2175

Respondent is found Guilty.

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department called Rahul Manchanda, Lieutenant Raymond Sanchez, Sergeant Kevin Judge, and Sergeant Daniel Mangome as witnesses.

Rahul Manchanda

Manchanda, who has been a practicing attorney for ten years, has his own law firm. He has never before been involved in a complaint against the Department, nor has he ever filed a lawsuit against the city or Respondent. In February 2010, Person A was the senior managing attorney in his firm. As the person responsible for

running the office, she controlled all client cases and managed all firm employees. During that month, Person A was absent from work quite a bit, and the courts complained that cases were being mishandled. Manchanda called, emailed, and sent text messages to Person A, asking her about case statuses and other business matters. Person A would sporadically return his communications; leaving messages for him at times she knew he would be unable to answer the phone.

Between 10:30 and 11:30 p.m. on March 4, 2010, a man (subsequently identified as Respondent) called Manchanda on his personal unlisted cell phone to discuss Person A. Respondent, who did not initially identify himself, demanded in a very threatening and gruff manner that Manchanda stop calling Person A about cases. When Manchanda first asked Respondent for his name, Respondent was evasive and unresponsive. Manchanda had to repeat his question before Respondent provided a name and identified himself as a police officer or detective from the 9 Precinct. Manchanda informed Respondent that he was located within the confines of the 1 Precinct and asked him if a police complaint had been filed against him. Respondent mentioned something about a complaint report being filed but subsequently stated the opposite to be true. At one point, Respondent described himself as a "peacemaker," but Manchanda was not certain if Respondent was an actual member of the service or a criminal masquerading as one. Respondent was again unresponsive when Manchanda asked him how he got his telephone number. Manchanda described the call as disturbing. He explained, "To get a call 11:30 at night . . . from a person . . . a male person, deep voice, you know, essentially telling you not to call your own employees about your own cases, and with a cell phone

that's unlisted. You know, in a manner that's very intimidating is a very, very scary call to get."

After the call, Manchanda called Respondent back at the callback number that had appeared on his cell phone. Manchanda asked Respondent for permission to call Person A about cases. Manchanda also called the Internal Affairs Bureau (IAB) that night.

On cross-examination, Manchanda testified that he has been arrested once or twice in the last 20 years, mainly for fighting. Since his conversation with Respondent took place almost two years ago, Manchanda would not say that his memory of the conversation was clear. When the investigating officer, Sergeant Daniel Mangome, called him on March 12, 2010, Manchanda did not know whom he could to trust.

During the days immediately prior to March 4, 2010, two or three attorneys quit Manchanda's law firm. Because Person A was being incommunicative, Manchanda did not know if she had quit or if she planned on coming back to work. As time passed, Person A's communications became progressively more disrespectful and abusive. Although Manchanda's responses became progressively more frustrated, Person A "was unclear as to whether she felt it was harassment." Manchanda did not recall telling Mangome that Person A had accused him of harassing and threatening her. According to Manchanda, he did not commit aggravated harassment against Person A.

When asked why he believed that Respondent's telephone call was not official Department business, Manchanda explained, "Well, I caught [Respondent] in a lie. He said there was a complaint filed and there wasn't a complaint filed. Which one was it? Was there a complaint or not a complaint? I mean, was I allowed to contact my

employee about my cases, or was I not allowed to? Was there a police investigation or not?" Manchanda continued, "It was unclear based on what he was saying and what he wasn't saying and the evasive answers. It was completely unclear and was completely devoid of any police procedure. And he was not responsive as to what his identity was at all." When Manchanda called Respondent back, the conversation was casual in tone. Respondent expressed understanding of Manchanda's situation and "left the door open" for Manchanda to contact Person A about cases.

Manchanda called IAB that night to confirm Respondent's identity. He did not recall telling IAB that Respondent "strongly advise[d] [him] not to email or text [his] friend, Person A." In the last ten years, Manchanda has made four or five IAB complaints.

On redirect examination, Manchanda testified that Person A made three times as much as the other associates in the firm. She was also the only employee to get health insurance. Because Person A came and went from the office as she pleased, Manchanda used to call her outside of normal business hours as the need arose. He would also contact her via personal email, work email, text message, cell phone, and home phone. At one point, he informed her that he might file an ethics complaint against her if she continued to be unresponsive.

On recross-examination, Manchanda conceded that his March 12, 2010 statement to IAB suggested that Person A's employment with the firm was discontinued during the first week of March. He clarified on redirect examination, however, that he was not clear about Person A's employment status at the time. At one point after that date,

Person A returned to the office on her own volition. She subsequently gave May as her termination date in an application for unemployment insurance.

Upon further questioning, Manchanda testified that while the firm's payroll might have been a day or two behind schedule, Person A was still receiving a paycheck at the time of the incident.

Lieutenant Raymond Sanchez

Sanchez, an 18-year member of the Department, is currently assigned to the Organized Crime Control Bureau Investigations Unit (OCCB-IU). On January 14, 2010, he went to Manhattan Criminal Court to conduct an unannounced inspections visit. At approximately 3:40 p.m. that day, he encountered Respondent in the courthouse's police sign-in room. Sanchez reviewed Respondent's court attendance sheet and noticed that Respondent's tour had already ended. [Department's Exhibit (DX) 1 is Respondent's court attendance record, indicating that his scheduled tour was 5:00 a.m. by 1:00 p.m.] Respondent explained to Sanchez that he had been speaking with Assistant District Attorney Hartwell until the lunch hour, which was at 1:00 p.m., and then went to One Police Plaza. The court sign-in sheet showed Respondent signing in at court at 11:53 a.m. [DX 2 is Respondent's Activity Log. When a Sergeant Butler signed the log at 4:05 p.m., the most recent entry made by Respondent was his 11:53 a.m. arrival at court.] From an arm's length distance, Sanchez directed Respondent to return to his command.

Sanchez subsequently spoke with Hartwell. Hartwell told Sanchez that he had met with Respondent to discuss an upcoming trial and released him right before the lunch break, which would have meant 12:45 or 12:50 p.m. Hartwell advised Sanchez to speak

with Assistant District Attorney Laforte. When Sanchez went to Laforte's office, Respondent was there. Although Sanchez did not say anything to Respondent, they made eye contact with each other. Respondent left the office after five or ten minutes. At that point, Laforte informed Sanchez that that was his second meeting with Respondent that day. Laforte and Respondent had already met once before lunch.

Sanchez then went to Headquarters Security to review the building's access records. The records indicated that Respondent had not been to the building in a week. [DX 4 is the access record, dated 4:45 p.m. on January 14, 2010. It indicates that the only visit that the Respondent made to the building during the period between January 7 and January 14 took place on January 7.]

Sanchez was later informed by his [commanding officer] Inspector James Mavricos, that Respondent submitted an overtime slip for the day in question. Sanchez interviewed Respondent on February 17, 2010. In the interview, Respondent stated that he met with Hartwell and Laforte before 1:00 p.m. and then went to his union's office to meet with someone regarding his pending promotion. He then delivered paperwork to the Paid Detail Unit and went to meal at a diner. Afterwards, he remained in the vicinity, speaking to other members of the service, before going to the police sign-in room. Respondent conceded in the interview that he was not conducting any official Department business. He explained to Sanchez that because he was having a bad day and was upset with his teammates, he decided to take his time and "lollygag" around the courthouse. When Sanchez pointed out to Respondent that this statement was inconsistent with what he had initially claimed on the day of the incident, Respondent explained that he had in fact been on his way to One Police Plaza when he decided to go

elsewhere. On the day of the incident, Respondent never told Sanchez anything about going to the Paid Detail Unit or remaining in the vicinity of the courthouse to speak with people. In the interview, Respondent claimed that he did not recall Sanchez directing him to return to his command.

Sanchez subsequently reviewed the roll call from Respondent's command [DX 3]. The roll call showed that on the day in question Respondent started his tour at 4:27 a.m. and signed out at 5:30 p.m. Respondent told Sanchez in the interview that he submitted an overtime slip to a supervisor before he left for the day. During the course of his investigation, Sanchez was unable to obtain a copy of the overtime slip. After Mavricos called Respondent's command to say that Respondent should not be granted overtime, the request for overtime was rejected. Respondent told Sanchez that he received advisement from an Inspector Cully to either withdraw the slip or face investigation.

On cross examination, Sanchez testified that when he first encountered Respondent in the police sign-in room their conversation was informal in tone. It was not an official interview. At the end of the conversation, Sanchez told Respondent to sign out and go back to his command. Although Respondent seemed somewhat surprised to later see Sanchez in Laforte's office, Respondent did not say anything to Sanchez at that point. Respondent may not have initially seen Sanchez since his back was turned, but after they made eye contact Respondent left within a matter of minutes. Respondent may have acknowledged Sanchez with a nod of the head or quick eye contact.

Sanchez explained that typically overtime is not paid for court tours unless there are extenuating circumstances such as an ongoing trial. He confirmed that Respondent worked four and a half hours past his scheduled end of his tour and that what Respondent

did during that period was not the type of work that would normally earn overtime. A member of the service is not entitled to earn overtime for things not related to his police duties. Overtime slips are approved or disapproved at the command level. According to Sanchez, it is a violation of Department rules for an officer to submit an overtime slip when the officer knows that the requested overtime compensation was not earned properly. Sanchez himself has rejected overtime requests in the past. The officers who submitted those rejected slips were not subjected to Department discipline but simply did not get paid.

On redirect examination, Sanchez clarified that of the overtime requests that he has rejected, none was because an officer conducted personal matters during the requested overtime period.

On recross examination, Sanchez confirmed that an overtime request for staying late to speak with assistant district attorneys about cases would normally be approved.

Sergeant Kevin Judge

Judge, a 20 year member of the Department, is currently assigned to Narcotics Borough Manhattan North. He has been the supervisor of Respondent's tactical response team since July 2007. On January 14, 2010, Respondent had been assigned to work a 4:27 a.m. by 1:00 p.m. tour. Respondent completed an overtime slip for that day and either handed it to Judge or left it on his desk. The next day, Judge learned from Cully of Respondent's encounter with Sanchez at court. At Cully's advisement, Judge gave the overtime slip back to Respondent and instructed him to speak with Cully about the

matter. Judge did not keep a copy of the slip for himself. Respondent never resubmitted the slip.

On cross-examination, Judge testified that on the day of the incident Respondent was responsible for executing a search warrant. There were positive results from the warrant, and arrests were effected. A member of the service who makes an arrest or is part of a team that makes an arrest is entitled to overtime for arrest processing most of the time. Judge confirmed that it was generally expected ahead of time that the members of his team would be getting overtime as a result of the warrant execution. The amount of overtime a member receives for arrest processing depends on factors such as the time of arrest and how many arrests were made. Judge was in charge of assigning overtime that day.

In his conversation with Cully, Cully did not say anything about disciplinary action being taken against Respondent. Judge believed that the matter would be dropped so long as Respondent withdrew the overtime request. Cully subsequently placed Respondent on uniform detail as punishment. No official record of Respondent's overtime slip exists since Respondent withdrew the slip before Judge had an opportunity to submit it to payroll for processing. Judge generally supervises ten to 12 members of the service, and Respondent's slip was not the first time that Judge returned an overtime slip to a subordinate. He had experienced other situations involving subordinates who submitted slips with mistaken times. In those other situations the members were not served with Department charges. In Judge's experience, Respondent was the first person to receive charges for submitting an overtime slip that was returned for an overstatement of hours.

On redirect examination, Judge explained that members of the service earn overtime for executing warrants because of the resulting arrest processing. On the day in question, Respondent executed the warrant and assisted in arrest processing before he went to court. By the time he returned to the command the arrest processing had been completed. Judge did not know that there was a problem with Respondent's overtime request until Cully informed him of the matter. Had he not spoken with Cully, Judge would probably have submitted Respondent's slip. To his knowledge, no other member of his team has ever submitted an overtime slip where there was an allegation that the overtime was not rightfully earned.

On recross-examination, Judge confirmed that he spoke with Cully the day after the incident and never had time to review Respondent's slip. He, therefore, did not personally know exactly how much overtime compensation Respondent requested. According to Judge, Respondent did perform police duties beyond his scheduled tour of duty that day and would have been entitled to some amount of overtime.

On further redirect examination, Judge explained that because Respondent executed the warrant before going to court, he was unable to work a regular "court tour." Respondent's time at court would have, therefore, lasted past his scheduled end of tour. Judge was unaware of exactly what Respondent was doing in court between his scheduled end of tour and his return to the command.

Sergeant Daniel Mangome

Mangome, a 22-year member of the Department, is currently assigned to OCCB-IU. In March 2010, he was assigned to investigate the incident involving Respondent's

telephone call to Manchanda. In June 2010, Mangome conducted a telephone interview of Person A.

[DX 5A and 5B are the compact disc recording and transcript of Mangome's interview with Person A. In the interview, Person A stated that she left Manchanda's firm approximately three weeks earlier because Manchanda was acting crazy and abusive toward her. While she was in her ninth month of pregnancy, Manchanda was sending her "crazy emails and he was trashing [her]." She called Respondent at 10:00 or 11:00 p.m. and informed him of the situation, telling him that Manchanda was contacting her after she told him not to. She also told Respondent that she did not know if Manchanda's conduct constituted harassment and she did not want to go to the police station about it. She asked Respondent to call Manchanda and tell him that what he was doing was considered harassment, that he (Manchanda) should leave Person A alone, and that he (Respondent) would also tell Person A to leave Manchanda alone.

Respondent subsequently called Person A back to tell her about his conversation with Manchanda. Respondent told her that Manchanda seemed very nice, and that the reason Manchanda wanted to speak with her was because of some files. The next day, Person A went to the office but Manchanda was not there. Because Manchanda continued his conduct, Person A ended up going to the 43 Precinct station house and filing two complaints against him during the month of May. One complaint was for harassment and the other was for aggravated harassment.]

Department records showed that while Person A filed two or three complaints against Manchanda, none was filed prior to the March 4 phone call.

Mangome conducted an official Department interview of Respondent on April 29, 2010. In the interview, Respondent stated that he called Manchanda at Person A's request and that he told Manchanda to stop contacting and harassing Person A. He explained to Mangome that even though he was assigned to the Narcotics Division, he told Manchanda that he was a detective from the 1 Precinct because he thought that that sounded more believable. Manchanda's office is located within the confines of the 1 Precinct.

On cross-examination, Mangome testified that at one point he conducted an extensive interview of Manchanda. Manchanda indicated during the interview that Respondent tried to be a peacemaker. Although Manchanda tried to express that he felt threatened by Respondent, he was unable to articulate to Mangome any actual threats. Toward the end of the interview, Manchanda accused Mangome of failing to identify himself.

At the end of Mangome's investigation, his commanding officer determined that charges should be brought against Respondent for misrepresenting himself to Manchanda. Mangome initially recommended that the matter be resolved with a Schedule "A" command discipline, but his recommendation was not accepted. At one point, [OCCB Executive Officer] Deputy Chief Kevin Ward recommended that the matter be resolved with a Schedule "B" command discipline.

On redirect examination, Mangome confirmed that the fact that there was no formal police complaint by Person A at the time of the call was a factor in the case.

Respondent's Case

Respondent testified in his own behalf.

Respondent

Respondent, a 19-and-a-half-year member of the Department, is currently assigned to Narcotics Borough Manhattan North. He has been a third-grade detective since 1997 and has been submitted for grade for seven consecutive years. During the course of his career, he has been responsible for 600 or 700 arrests. On January 14, 2010, he was part of the entry team on a search warrant. He was scheduled to work a 4:27 a.m. to 1:00 p.m. tour that day. After executing the warrant that morning, he went to the 25 Precinct station house for processing, back to his office to get paperwork, and then to court. Upon his arrival at court, he signed in and spoke with Hartwell. After waiting a while, Respondent learned that the defendant in the case that he was supposed to appear in ended up accepting a plea offer. Since he was already at court, he decided to check in with other assistant district attorneys about his other cases that were pending. He performed police duties until 1:00 p.m. Had he returned to his command at that point he would have been entitled to an hour and 15 minutes of overtime for travel time.

Instead of returning to his command, however, Respondent went to his union office to ask about his promotion and to the Paid Detail Unit to drop off paperwork. He then planned to go to One Police Plaza to see somebody there in regards to his promotion. On his way there, he learned that the person he was going to see was out of the office. Respondent went instead to get meal. He explained that he had not had an opportunity to take a meal during his regularly scheduled tour. According to Respondent,

regulations permit meals to be taken while on overtime in such situations. After meal, he went back to court to sign out. At 3:30 p.m., he encountered Sanchez and Sergeant Butler from OCCB-IU. When Sanchez asked to see his Activity Log, Respondent went to his car to retrieve it. According to Respondent, he and Sanchez had a conversation about a planned vacation to Jamaica, and at no point did Sanchez order him to return to his command.

As Respondent was about to leave the courthouse, he remembered that he had told Laforte and another assistant district attorney named Mandolfo that he would come to see them after lunch. He went upstairs and talked to them about a case. Respondent explained that he did not have time to have that meeting before 1:00 p.m., and the assistant district attorneys were on lunch break until 2:30 p.m. Setting aside the time that he was doing errands, Respondent would have been entitled to overtime for the time that he was conferring with attorneys. While he was speaking with Mandolfo, Sanchez and Butler opened the door and saw Respondent. They told Mandolfo that they would come back later. They did not have any interaction with Respondent. Approximately ten minutes later, Respondent left the courthouse and went directly back to his command. It took him an hour to get there, arriving a little after 5:00 p.m. He signed out and prepared an overtime slip for the time that he was at work since 1:00 p.m. He put the slip on Judge's desk and started vacation the next day.

Upon returning from vacation, Respondent met with Cully about the overtime slip. While Cully did not order Respondent to withdraw the slip, Cully warned him that if he did not withdraw it there would be an investigation. Respondent ultimately opted to withdraw the slip, believing that this would resolve the matter. Cully put Respondent on

a “punishment assignment” for a week. While Respondent performed police duties for some portion of the day after 1:00 p.m. on the day in question, he has never received any compensation for that time period.

About his phone call to Manchanda, Respondent testified that he met Person A in a professional capacity when she used to be an assistant district attorney. While they maintained a friendly relationship, they did not socialize outside of work. At one point, Person A called Respondent and, while crying on the telephone, told him that Manchanda was a “mad man” who had threatened her and constantly called and emailed her. In addition, Person A had personal property in the office, and Manchanda would not let her retrieve it. When Person A asked Respondent for advice, he offered to speak with Manchanda about the matter. He believed that he could act as a mediator due to his capacity in the Department. When asked why he did not advise Person A to simply file a complaint at the 1 Precinct, he explained that he did not think she would be able to go to the station house since she lived upstate and was pregnant at the time. Furthermore, he believed that he would be able to resolve the situation with a phone call.

Person A gave Respondent Manchanda’s cell phone number, and Respondent made the call without blocking his number. Respondent began the conversation by identifying himself. He told Manchanda that he was from the 1 Precinct since the law office was located within the confines of that precinct. Respondent explained, “If [Manchanda’s] an attorney, there’s absolutely no way in the world he’s to believe that Narcotics is calling.” According to Respondent, he kept the call professional in tone. He addressed Manchanda as “sir” and referred to Person A as “Ms. Person A.” He did not stress at all that he and Person A were friends. He did not tell Manchanda that a police

complaint report had been filed. He explained to Manchanda that the dispute with Person A was civil in nature, and Manchanda agreed that he would let Person A return to the office to retrieve her belongings.

Ten minutes later, Manchanda called Respondent back to ask what he should do if Person A were to call him. Respondent told Manchanda that he would tell Person A not to call. Manchanda did not use an accusatory tone during the second call. After the call, Respondent believed that the situation was resolved, and he called Person A to let her know. That was the last time that they spoke about the matter. Respondent never threatened Manchanda and did not believe that his actions were improper.

On cross-examination, Respondent confirmed that he arrived at court at 11:53 a.m. on January 14, 2010 and had a meeting with Hartwell that ended at close to 1:00 p.m. After leaving court, he proceeded toward One Police Plaza. The courthouse and One Police Plaza are located two blocks apart. After learning that the person he wanted to see in One Police Plaza was not at work, he went to the union office, which was also located two or three blocks away. The union representative he wanted to speak with was not there, but Respondent was told that the representative would be back soon and that he should wait. He waited 20 minutes but the representative did not come, so he went to the Paid Detail Unit, which was also a block or two away. He remained there for ten minutes before traveling two blocks to have lunch at a diner. He remained there for 45 minutes to an hour. On his walk from the diner back to the courthouse he bumped into three or four members of the service whom he knew. He spoke with each of them for a few minutes. In total, it took Respondent 25 minutes to walk back to the courthouse.

Only when he went to sign out from court did he remember that he was supposed to meet with Laforte and Mandolfo. When asked why he decided to run errands instead of returning to the courthouse earlier to speak with the attorneys, Respondent explained, "Well, the way I was thinking, me finding out about my promotion, going to One Police Plaza and then to the union, I don't think that was running errands. I thought that was important. To me, this was a job issue, it was a job related issue." He spoke with the assistant district attorneys for ten or 15 minutes. Respondent could not recall exactly how much overtime compensation he requested on his slip. In the slip's caption for activities performed while on overtime, he listed the execution of the warrant and court.

Respondent confirmed that when he called Manchanda, he was aware that there was no official police business or investigation regarding Manchanda's conduct toward Person A. He also confirmed that he chose to tell Manchanda that he was from the 1 Precinct because he wanted it to seem like a legitimate police telephone call. Although he made the call as a personal favor to Person A, he identified himself to Manchanda using his official rank. He believed that he placed the call at some point between 9:00 and 10:30 p.m. He did not make any follow-up calls to Manchanda or Person A about the situation. Had the situation been a Department case that he was assigned to work on, Respondent would have made follow-up calls and generated a complaint report.

Upon further questioning, Respondent described his call to Manchanda as a very peaceful and calm conversation. He explained his actions, "I have, as a cop for 19-and-a-half years, stopped many street fights in the street, stopped a lot of arguments in the street . . . [without] fill[ing] a police report. I just did police action, been a mediator, and then that was it. I don't think it was any different than what I did on the phone call."

About his meetings with the assistant district attorneys on January 14, 2010, he explained that officers who make a lot of arrests may get court notifications on a nearly daily basis. It is, therefore, common practice for an officer to handle as many cases as possible during one court visit, thereby freeing up the rest of the week for actual police work.

FINDINGS AND ANALYSIS

Disciplinary Case No. 86581/10

Respondent stands charged herein with wrongfully engaging in conduct prejudicial to the good order, efficiency and discipline of the Department when he submitted a request for overtime that he did not earn, to wit: said Detective wrongfully indicated on a request for overtime report that he had performed official Department duties when, in fact, he had improperly conducted personal business on said date.

Evidence adduced at trial established that on January 14, 2010, Respondent had performed a 4:27 a.m. to 1:00 p.m. tour of duty to execute a search warrant. Following the search warrant execution, Respondent continued to perform work after that time, which included going to Manhattan Criminal Court on a case. He testified that he learned that the defendant took a plea on the case. He decided, however, while he was there, that he would make unscheduled visits to assistant district attorneys on cases he had pending. He also conducted personal business which included stopping by the union office.

Sanchez, a lieutenant assigned to the Organized Crime Control Bureau Investigations Unit happened to be making unscheduled visits to Manhattan Criminal Court on that date. He encountered Respondent after 1:00 p.m. when Respondent's tour

should have ended. They had a brief discussion where Respondent advised Sanchez that he had gone to One Police Plaza to check on his promotion status as well as met with various assistant district attorneys. Sanchez testified that he told Respondent to sign out and return to his command.

When Sanchez went to a few assistant district attorneys to verify Respondent's account, he saw him at Assistant District Attorney La Forte's office. Within minutes, Respondent left the office. LaForte confirmed that he had met with Respondent before lunch and that this was his second visit with Respondent that day. When Sanchez checked the building's access records at Headquarters Security at One Police Plaza (DX 4), it indicated that Respondent had not been there on January 14, 2010. It noted that his last visit was on January 7, 2010. When Sanchez confronted Respondent with the inconsistencies, Respondent said that he had planned to go to One Police Plaza, but ended up elsewhere. Therefore it is evident that Respondent had given Sanchez false and misleading information.

During his official Department interview, Respondent told Sanchez that he was upset with his team and having a bad day so he decided to "lollygag" around the courthouse. This included a stop at the union office regarding his pending promotion, delivering paperwork to the Paid Detail Unit, taking meal at a diner, and meeting and talking with various members of the service he saw on the street. He also told Sanchez that he did not recall Sanchez telling him on the incident date to return to his command.

There is no question that Respondent spent time conducting personal business during the overtime period. When he submitted his request for overtime for January 14, 2010, he was advised that if he did not withdraw the overtime request, an investigation

would be commenced against him. Respondent testified that he withdrew the request for overtime at that time.

Evidence adduced at trial established that Respondent did, in fact, submit the paperwork to obtain overtime. The fact that Respondent withdrew his request for overtime before he was paid is a mitigating factor, but it does not obviate his submission of the request to be paid for non-work related activity during an overtime period.

Accordingly, I find Respondent Guilty of Specification No. 1.

Disciplinary Case No. 2010 2175

Respondent stands charged herein in that while on duty on March 4, 2010, he wrongfully engaged in conduct prejudicial to the good order, efficiency or discipline of the Department when he used his position as a member of the Department by calling Manchanda and telling him to cease calling Person A, despite the fact that Person A had not filed a complaint and an investigation had not been conducted.

Respondent testified that he had known Person A in a professional capacity when she was an assistant district attorney. He explained that they remained friends although they did not socialize outside of the office. When Person A had problems with her employer, Manchanda, she called Respondent crying. She stated that Manchanda threatened her and continued to harass her and email her and would not allow her to pick up her things she left in the office.

Respondent explained that he agreed to contact Manchanda for Person A in an attempt to mediate the situation. Respondent acknowledged that he called Manchanda and identified himself as a detective with the New York City Police Department.

Respondent told Manchanda that there was no complaint, that the dispute between him and Person A was civil in nature and at some point, Manchanda agreed to allow Person A to get her things. Respondent explained that in his 19 years of service, he acted as mediator on the streets and stopped arguments and street fights and did not file a police report. He acknowledged that there was no complaint pending, but that he acted in his official capacity as a police detective and the only untruthful thing he said was identifying himself as being from the 1 Precinct instead of Narcotics so he would not raise concerns in his discussion with Manchanda.

Given the fact that Person A was pregnant, lived outside of the city limits upstate and reached out to Respondent for help, Respondent surmised that she would not be in a position to file a complaint. However, given the nature of the information Person A provided to Respondent, Respondent had a duty to either take a complaint or forward it to the proper precinct that had jurisdiction over the matter, likely the 1 Precinct, for them to take police action. Respondent was without authority to act as a police agent, calling Manchanda in the evening hours on Manchanda's private cell phone number and directing him to stop calling Person A when no police complaint had been filed.

Manchanda acknowledged that he had disagreements with the police in the past and has filed five complaints with IAB in the last ten years. However, Manchanda's prior disputes with the police have no bearing on the actions Respondent took without proper authority. Manchanda also testified that Respondent wavered as to whether a complaint had been filed against him [Manchanda] or not.

Accordingly, it is recommended that Respondent be found Guilty of this Specification.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Education, 34 N.Y.2d 222 (1974).

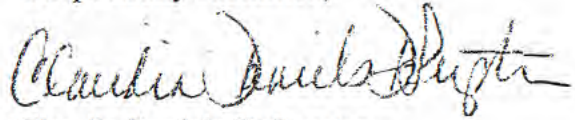
Respondent was appointed to the Department on June 30, 1992. Information from his personnel file that was considered in making this penalty recommendation is contained in the attached confidential memorandum. Respondent has been found Guilty of submitting a request for overtime for performing official Department duties when he conducted personal business. In addition he has been found Guilty of using his position as a member of the Department to call Manchanda and tell him to cease calling Person A when Person A had not filed a complaint and an investigation had not been conducted.

The Assistant Department Advocate asked for a penalty of 30 vacation days. The Court disagrees. There are some mitigating factors here. With respect to the submission of the overtime request, Respondent did perform some official duties during the overtime period and he did withdraw the request upon advice of his commanding officer, before the overtime request was processed.

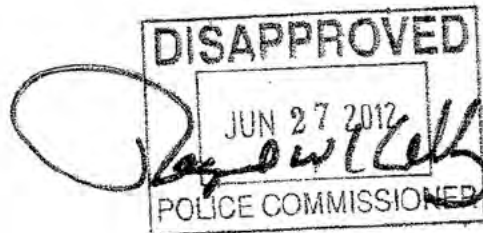
In the second instance, Respondent did misuse his position as a member of the Department to aid a friend. Respondent thought in his 19 years of service, albeit mistaken, that he could mediate a situation such as this. However, mediating matters where he was working and used his police discretion to resolve disputes on the street is vastly different from this instance where he was not working, called someone after business hours on his private line to direct him to restrain from certain activity, all while no police complaint or investigation was pending.

Upon review of Respondent's service record, the Court notes that he is a very active police detective. Given Respondent's service record and the mitigating factors noted above, it is recommended that Respondent forfeit 20 vacation days.

Respectfully submitted,



Claudia Daniels-DePeyster
Assistant Deputy Commissioner Trials



POLICE DEPARTMENT
CITY OF NEW YORK


From: Assistant Deputy Commissioner Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
DETECTIVE DAMIEN BRADSHAW
TAX REGISTRY NO. 914065
DISCIPLINARY CASE NOS. 86581/10 & 2010-2175

In 2008, 2009 and 2010, Respondent received an overall rating of 4.5 "Above Highly Competent" on his annual performance evaluations. Respondent has received no medals in his career to date. Respondent has made 801 arrests in his career to date; 459 for felonies, 337 for misdemeanors, five violations and 20 for resisting arrest.

[REDACTED]

On October 12, 1993, Respondent received a Charge and Specification for unauthorized use of the FINEST computer system to perform an unauthorized warrant check. He received a penalty of the forfeiture of six vacations days. On December 12, 2008, Respondent received Charges and Specifications for registering his personal vehicle on Long Island when he resided in Bronx County and failing to submit a Change of Name, Residence of Social Condition form. Respondent pleaded Guilty and received a penalty of the forfeiture of eight vacation days.

For your consideration.


Claudia Daniels-DePeyster
Assistant Deputy Commissioner Trials